

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 2006

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Davis and Little, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Staniela Nikolova, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 123

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
RECOGNIZING AND HONORING THE IDAHO ATHLETES
PARTICIPATING IN THE WINTER OLYMPIC GAMES IN
TURIN, ITALY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the XX Winter Olympics will be held in February in Turin, Italy; and

WHEREAS, the Winter Olympics bring together the finest athletes in the world in their respective sports; and

WHEREAS, the Winter Olympics bring out, to the fullest extent, the drama of human athletic competition with "the thrill of victory and the agony of defeat" with the resultant display of good sportsmanship by the competitors; and

WHEREAS, there are seven Idahoans at the 2006 Winter Olympics and they are Jeret Peterson, 2000 Timberline High School graduate in freestyle skiing, Kristine Holzer, 1992 Centennial High School graduate who also attended the University of Idaho, in long track speedskating (3000 meters), Nate Holland, 1997 Sandpoint High School graduate, in snowboardcross, Graham Watanabe, 2000 Wood River High School graduate, in snowboardcross, Lars Flora, 1996 Wood River High School graduate, in cross country skiing, Courtney Yamada, born in Idaho Falls and a resident of Boise, in the skeleton, and Werner Hoeger, Boise State University kinesiology professor and Boise resident, in the luge representing Venezuela; and

WHEREAS, we wish Jeret soft sweet landings, Kristine's blades to run true, Nate's line to be sweet and fast, Lars and Graham to ski speedily 'cross the frozen snow, Courtney's sled to speed like a bullet down the track, and Werner's experience to propel him to the front of the pack and that we wish that all Idaho Olympians achieve their potential during the games without injury; and

WHEREAS, all Idahoans in the Winter Olympic Games are to be especially commended for being the best athletes in the world in their particular sport.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the members of the Legislature take this opportunity to recognize and honor the Idaho athletes participating in the Winter Olympic Games and wish them the best of luck in their respective athletic competitions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is directed to forward a copy of this resolution to Jeret Peterson, Kristine Holzer, Nate Holland, Graham Watanabe, Lars Flora, Courtney Yamada and Werner Hoeger.

SCR 123 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business

Reports of Standing Committees

February 16, 2006

The JUDICIARY AND RULES Committee reports that S 1404 has been correctly printed.

DARRINGTON, Chairman

S 1404 was referred to the Education Committee.

February 15, 2006

The RESOURCES AND ENVIRONMENT Committee reports out SJM 118 with the recommendation that it do pass.

SCHROEDER, Chairman

SJM 118 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2006

The JUDICIARY AND RULES Committee reports out **S 1337** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1337 was filed for second reading.

February 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 436** with the recommendation that it do pass.

BUNDERSON, Chairman

H 436 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 15, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1329 and S 1330

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 15, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Hyong K. Pak of Twin Falls, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 15, 2006

Mr. President:

I transmit herewith **H 415, H 476, H 454, HCR 34, H 601, H 446, H 447, H 448, and H 533** which have passed the House.

JUKER, Chief Clerk

H 415, H 476, H 454, HCR 34, H 601, H 446, H 447, H 448, and H 533 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the Judiciary and Rules Committee report relative to the Idaho State Bar appointment of Kenneth B. Howard was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Langhorst, the Board of Commissioners of the Idaho State Bar appointment of Kenneth B. Howard as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Idaho State Bar appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Board of Commissioners of the Idaho State Bar informing them of the action of the Senate.

The President announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Richard Rush was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Williams, the Gubernatorial appointment of Richard Rush as a member of the State Soil Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial

appointment of Tom Kealey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Andreason, the Gubernatorial appointment of Tom Kealey as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **SR 107** retained its place on the calendar for March 7, 2006.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1405

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE ACCIDENT REPORTS; AMENDING SECTION 49-1306, IDAHO CODE, TO PROVIDE THAT WRITTEN REPORTS OF ACCIDENTS REQUIRED TO BE FORWARDED TO THE IDAHO TRANSPORTATION DEPARTMENT BY LAW ENFORCEMENT OFFICERS SHALL NOT CONTAIN PERSONAL INFORMATION ON PERSONS INVOLVED IN THE ACCIDENT BUT SHALL IDENTIFY THE CUSTODIAN OF THE ORIGINAL UNEDITED WRITTEN REPORT.

S 1405 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 415, H 476, and H 454, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 34, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

H 601, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 446, H 447, and H 448, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 533, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1370, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1363, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1295, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1360, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 451, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1348, by Transportation Committee, was read the second time at length and filed for third reading.

H 477 and H 488, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1333, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Compton, Fulcher, Gannon, Geddes, Goedde, Lodge, McKenzie, Pearce, Sweet, Williams. Total - 13.

NAYS--Andreason, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 21.

Absent and excused--Little. Total - 1.

Paired and voting included in roll call:

AYE - Brandt NAY - Davis

Total - 35.

Whereupon the President declared that **S 1333** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Friday, February 17, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary